

**Lewis County Planning Commission  
Public Meeting  
Lewis County Courthouse  
351 NW North St.  
Chehalis, WA 98532**

**August 23, 2011 – 7:00 p.m.  
Meeting Notes**

**Planning Commissioners Present:** Mike Mahoney, Russ Prior, Bob Guenther, Bill Russell, Arny Davis

**Planning Commissioners Excused:** Jim Lowery, Richard Tausch

**Staff Present:** Lynn Deitrick, Jerry Basler, Pat Anderson

**Consultants Present:** Chrissy Bailey, Department of Ecology

**Others Present:** Please see sign in sheet

**Handouts/Materials Used:**

- Agenda
- Meeting Notes from July 26, 2011
- Draft Code Chapters
- Shoreline Master Plan Frequently Asked Questions
- Focus on Shorelines

**I. Call to Order**

Chairman Russell called the meeting to order at 7:00 p.m. The Commissioners introduced themselves.

**II. Old Business**

*A. Approval of meeting notes from July 26, 2011*

The Chair entertained a motion to approve the meeting notes from July 26, 2001. The motion was made by Commissioner Guenther and seconded by Commissioner Mahoney. There were no corrections and the motion carried unanimously.

Commissioner Guenther asked the new Commissioner, Mr. Russ Prior, to tell a little about himself. Commissioner Prior stated he lives near Packwood on a 120-acre family-owned timber farm. He stated Commission Gross asked him to consider an appointment to the Planning Commission and after some consideration Mr. Prior accepted. He is semi-retired and was a consulting hydro geologist and brings some technical information to the Planning Commission that he thinks will be useful. He knows a lot about water supply wells, ground water and aquifers and how they interact with streams.

*B. Workshop on Draft Code Chapters*

Chairman Russell recognized Mr. Deitrick. Mr. Deitrick stated there have not been a lot of changes made to the draft code amendments. There are two chapters and two subsections. The chapter changes speak to special events, for which the county has not had any ability to regulate. The BOCC describe their need for that regulation in a letter dated June 28, 2011. The compliance chapter adds more teeth to the code to be more direct as far as enforcement, citing health and safety, public roads and places, building construction, subdivisions, and land use and development regulations.

Mr. Deitrick stated Health has a newly formed Health Advisory Committee and they have requested to be able to look at the ordinances. He sent out a news release on the code amendments to encourage more public participation and a DNS was issued on the draft ordinances. He asked if there were questions or recommendations or comments.

Commissioner Guenther stated it appeared that most of the events were athletic in nature and asked about picnics or that type of gathering.

Mr. Deitrick stated it would apply to a commercial nature – if there is some type of benefit coming from it; not family picnics in parks, which would be exempt. Some events Mr. Deitrick has looked at are the skiing events at Winlock Waters, the tulip festival, corn maze with pumpkin patches.

A discussion followed and some existing events the Commissioners were concerned about were:

- Threshing Bee
- Logger's Jubilee
- Wine Tours
- Farm Auctions
- Estate Auctions
- Packwood Flea Market
- Music Festival in Centralia

There were concerns about differentiating between activities allowed on farms and whether they would be considered special events or not.

All of the Commissioners were concerned about fees and insurance. They want the fees to be detailed in the ordinance and not created after the fact. There are some events (Packwood Flea Market, Wine Tours) that are not connected to any type of entity and the question was who would pay the fees or the insurance.

There was a concern about the economic benefit brought to the county through these events. If they are going to be too expensive it could discourage the event from happening.

A couple of suggestions that were made: have some type of guideline to give to people prior to getting a permit that explains what is required if the attendance is expected to be below or above 100 people, that the fire district, sheriff's department and health department should be contacted. It was also suggested that some type of mailer be sent out to the events coordinators before the public hearing so they are aware of the ordinances and can provide their input.

Mr. Deitrick stated the four code amendments were grouped together and asked if the Planning Commission would rather separate some of them.

Chairman Russell's opinion was that the special events chapter would take more time than the others and that it is separated out. He asked the opinion of the other Commissioners. They all agreed that they should be separated.

Chairman Russell asked if there were comments on the utility lot draft amendment, 16.02.040.

Commissioner Prior stated an obvious use for a utility lot would be a water supply. That requires a certain size and wanted to make sure the code says something about complying with WAC 173.160. Mr. Deitrick stated 10(c) does make that stipulation.

There were no other comments on the utility lots. Chairman Russell asked if there were comments on the fences sub-section 17.145.140.

Commissioner Mahoney referred to section (viii) which states a building permit is required for all fences exceeding six feet in height. He stated free-range chicken fences can be 7-8 feet; a 6-foot fence won't keep deer out of a garden. He didn't think building permits should be required for people living in the country. He was talking about wire netting, not privacy fences.

Mr. Deitrick stated this is how the code is written in the International Building Code (IBC). In that code, a fence cannot be placed that is over 6 feet. If someone wanted a 7-foot privacy fence he would have to meet building setbacks.

Commissioner Mahoney stated that makes sense in a development, but the code says all fences. There are some legitimate agricultural uses for fences over six feet and he does not think there should be a conflict with farming practices.

Mr. Deitrick stated he could craft some language pertaining to agricultural fencing.

Commissioner Mahoney stated there are some fences that are required to obscure visibility, such as fences around junk yards. He did not want to create a conflict within the ordinance.

Chairman Russell suggested that the language read: all solid fences along a property line cannot exceed six feet, or something similar.

Commissioner Guenther agreed with including something for agricultural fencing.

Chairman Russell recessed the meeting at 7:56 and reconvened at 8:00.

Chairman Russell stated during the recess there was a discussion on the fence chapter. It was suggested that a section in the fence chapter should be created specifically for livestock. It was pointed out that if the post is on the inside of a fence an animal could push the board or wire off of the post. It wouldn't be limited to the height of a fence, but any fence used for farm animals. He did not know if that would apply specifically to a property line but rather to the construction.

Commissioner Prior stated most of those fences are less than 6 feet in height so there are no construction requirements.

Chairman Russell stated it would not be difficult to insert agricultural uses in this chapter. Mr. Deitrick stated he would bring something back.

Chairman Russell asked for comments on 17.300, the compliance chapter.

Commissioner Prior referred to 17.300.040 regarding stop work orders. He asked if email could be included as an avenue of communication. Mr. Deitrick stated it could be included. He had a response from the Health Department about communication and they prefer certified mail; they want continuity.

Commissioner Prior wanted to make sure email was not forgotten. Mr. Deitrick stated it was not. The Health Department does most of the enforcement and certified mail is best for them. Commissioner Mahoney stated certified mail leaves a paper trail which is important for everyone concerned.

Chairman Russell referred to 17.300.030, item 3: No conflicting licenses or permits shall be issued. He asked that the first sentence be stricken and start with the second sentence.

That completed the discussions on the proposed draft amendments.

### **III. New Business**

Chairman Russell changed the order of the agenda so Ms. Bailey could discuss the Shoreline Master Plan.

Ms. Chrissy Bailey, Department of Ecology, stated she is a regional shoreline planner with DOE working with 11 jurisdictions and will begin working with Lewis County and the cities in Lewis County updating their Shoreline Master Programs (SMP). She is the policy contact, the grant officer, and she can assist with technical assistance. She brought handouts that were distributed and presented a PowerPoint. She stated her contact information is on the last slide of the PowerPoint.

The SMP is the document that at the local level and state level is used to implement the Shorelines Management Act.

The Shoreline Management Act was developed in the 1970's out of the need to avoid piecemeal development of the shorelines. It was recognized that the shorelines are fragile but they are also valuable and too much use resulted in devastation and loss but if they are closed off then the human utility is lost.

Ms. Bailey provided background information and the process that the county will go through to update their SMP. There are three focal policies: 1) Protect environmental resources of state shorelines; 2) Public access and enjoyment opportunities, and 3) Priority to uses that require a shoreline location. Ms. Bailey stated priority uses are primarily what are called water-oriented uses. That is broken into three categories: water dependent uses, water related uses, and water enjoyment uses. She explained each of those uses.

Ms. Bailey stated shoreline jurisdiction it is similar to a zoning overlay. It does not apply county-wide and it does not apply to all the water bodies. It applies to water bodies that have over 20 cubic feet per

second flow, it applies to marine use, and it applies to lakes that are over 20 acres in size. One of the first steps the county will be doing is determining which water bodies in the county fall under the SMA. It will cover the water body and 200 feet landward of the ordinary high water mark.

Ms. Bailey summarized the local-state partnership and the roles at the local and state levels. The SMP will be a mutually agreeable document because the state has to approve it. It does not go into effect until the DOE director signs the document. Once an updated Shoreline Master Program is approved by local government and Ecology, the state will be a full partner in defending the revised program.

Ms. Bailey explained that the guidelines set minimum standards for local governments updating their programs, and is found in WAC 173.26. It is used by Ecology and State Hearings Boards. There are certain things that need to be achieved and there is some flexibility in how you get there based on your local conditions, land use, condition of shorelines today. There are some things that are more black and white.

New key standards that are now in the SMA Guidelines are: “no net loss” of ecological functions, restoration planning, and assessment of “reasonably foreseeable” cumulative impacts. The no net loss is from today; it does not require restoring property. The restoration planning is not a regulatory document – it is facilitating restoration, pulling together restoration projects such as a stream team or watershed plans, or flood authorities. The guidelines are very clear about protecting existing ecological functions while allowing those uses, and there is no requirement to go back to restoring things the way they used to be.

Some things are exempt under the SMP – you don’t have to get a permit for them. Through the reasonable foreseeable impact assessment the county is going to look at development that occurs in the county shorelines typically. If it is something that does not occur there, we don’t need to look at it. You will look at provisions in the master program for how that type of use or development is treated and ensuring there is no net loss from those developments.

This process takes about three years and it includes: citizen involvement; inventory and use analysis of shorelines; shoreline goals, policies and environment designations; shoreline regulations and standards’ permit administration and enforcement provisions; local adoption through open public process; ecology review and approval.

An SMP update will allow communities to realize their vision for waterfront areas; allow for appropriate and strategic development to occur; preserve shoreline areas for future generations; maintain and encourage public access. It also respects private property rights, integrates other plans that address other shoreline issues; protects property from erosion; safeguards fish and wildlife habitat; and it allows enhancement of the local economy while encouraging water dependent uses.

What the SMP does not do is take away existing private property rights; require existing shoreline homes to be relocated or removed; require existing uses or activities to be discontinued; apply retroactively: the starting point or baseline is where you are today.

Ms. Bailey's email address is [chrb461@ecy.wa.gov](mailto:chrb461@ecy.wa.gov). The website is: <http://www.ecy.wa.gov/programs/sea/shorelines/index.html>. She asked if there were any questions.

Chairman Russell asked staff if it is the county's intention to update the Critical Areas Ordinance at the same time it is doing the SMP. Mr. Deitrick stated no. Chairman Russell asked if there was a provision within the shoreline plan for meandering rivers. Ms. Bailey stated yes, there are channel migration zones.

Commissioner Guenther asked if Carlisle Lake is included. Ms. Bailey stated there have been some water bodies that have been taken out since the 1970's and the initial categorization will determine if some of those water bodies will need to be included.

Commissioner Prior asked if the flow is based on average annual flow. Ms. Bailey stated it is the average over more than seven years, so not the average of every year. She believed it was called average mean flow. Commissioner Prior asked if this was the first meeting in which this has been presented.

Chairman Russell stated yes. He thanked Ms. Bailey for her presentation.

## **II. Old Business**

### *C. Update on Subarea Plan*

Mr. Basler stated it is still anticipated to get the Plan adopted this fall. He met with the state and the Plan has become a two-step plan. The first Plan had a steering committee that met regularly for about three years and developed the Plan and the preferred alternatives. A major part of that Plan was done by WDFW and DOE and the economic development study done by Hovee and Associates. The next step is to get it adopted as it is now, but the economic urban growth areas would become urban reserve areas. It was realized that we need more focus and language on the capital facilities element and who will provide the services, etc. That will be the next step. The urban reserve zones will keep the large acreage blocks from being broken into smaller tracts.

Chairman Russell clarified that the urban growth area is not being used any longer. It is now a reserve area with the future potential of becoming a county UGA.

Mr. Basler stated he and Mr. McCormick are working on a point paper that will explain where the Plan is now and where it will go and some of the processes. An e-mail will be sent out to the steering committee to ask them if they want to meet or if the Plan is okay as it is. Then a workshop will be scheduled in South County where people can ask questions and see the Plan. This will occur before a Planning Commission public hearing, which will most likely be scheduled for October.

Commissioner Mahoney stated the reserve areas do not allow for the development of utilities, but when the Plan is solid with the wastewater treatment plan, water supply, etcetera, then it would make sense to look at an urban growth area to extend the water and sewer lines. After that we come up with a plan before we designate the area. Mr. Basler stated that is correct. Whoever has land there can do whatever they want. Mr. Basler and Mr. McCormick spoke with the property owners individually who do not want to be included the economic urban growth area. Those areas were taken out.

Chairman Russell asked if it would be beneficial for any or all of the Planning Commission to attend the workshop. Mr. Basler stated he did not think it should be set up as a hearing where people are asking the Commissioners questions. He would like it to be informal.

*D. Update on Ruckelshaus Critical Areas Ordinance*

Mr. Basler stated he met with the County Commissioners and Mr. Johnson this morning about the Ruckelshaus Critical Areas Ordinance. The state requires the counties to protect critical areas in agricultural lands which is different from the GMA critical areas ordinance. It is a bridge between environmental interests and agricultural uses. It gives the counties the option to devise critical areas ordinances as they see fit as they relate to ag uses. The county can opt in or opt out. If it decides to opt in there might be more flexibility as to how to develop the critical areas ordinance and there must be an adopted resolution by January 22, 2012. Prior to that, the county needs to meet with the tribes, agricultural interests and environmental interests. The BOCC will designate an informal board to meet this fall to talk about the ag uses and where the county wants to go with the program. There is also a need to have watersheds nominated in the county to be considered priority watersheds.

The BOCC will most likely opt in but the program will not start until there is funding and then the county has two years and nine months to complete the work.

Commissioner Mahoney understood that the county has a choice. They can either do it by the watershed, which would mean three separate programs within the county, or they can do it county-wide. He does not think the BOCC wants to duplicate the effort between Cowlitz and Chehalis because the goals will be essentially the same. The small part of the Nisqually that touches our northern border does not justify its own set of rules. His impression was is if we opt in, it will be with a county-wide ordinance and one group to do it.

Mr. Basler stated the BOCC wants to move fairly quickly. They would like the resolution signed by the end of October. There will be a couple of meetings with the board and staff has a list of groups to be included on that board. The meetings will be to go over the goals.

Commissioner Guenther stated the opt-in is to give a little more flexibility. He remembers that is what was said when the county opted in to the Growth Management Act.

**IV. Calendar**

The September 13 meeting was canceled and the next meeting is tentatively scheduled for September 27.

**V. Good of the Order**

No one wished to speak.

**VI. Adjourn**

The Planning Commission's business concluded and adjournment was at 8:50 p.m.